IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 586 of 2007

Dated 5th January, 2007

Between
Dr.Ashok Kumar Sharma

…Petitioner

and
Union of India, rep. By its Secretary,
Ministry of Home Affairs, New Delhi, and ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 586 of 2007

ORDER:

The petitioner, who was working as Chief Medical Officer in the Central Reserve Police Force, has filed this Writ Petition questioning the office order dated 25-09-2006, by which he was ordered to retire from service prematurely on attaining the age of 50 years in exercise of powers conferred by Rule 56(i) FR read with Rule 43© of CRPF rules, 1955.

It is stated that earlier the services of the petitioner were dispensed with on medical invalidation grounds, but however, by virtue of the order of the appellate authority, he was reinstated into service. It is further stated that even in the impugned order, though it is stated that retirement is in public interest, but, no reasons are

indicated and no opportunity was provided to him before passing the impugned order.

Rule 46 (c) of CRPF Rules, 1955 empowers the appointing authority to retire any member of the Force on attaining the age of 50 years or on completion of 25 years of service in public interest. However, it is brought to my notice that after impugned order is passed, the petitioner also made a representation to the Additional Inspector General (Pers.1) Director General, CRPF seeking review of the said order on several grounds and the said representation is still pending consideration.

There is an office order dated 30-08-1991, wherein a committee is constituted to consider the representations filed against the orders of premature retirements. It is stated that the said committee is headed by the Additional Director General, CRPF, as chairman. As much as Rule 43 (c) of CRPF Rules, 1955 empowers to order premature retirement in public interest, and, further, review petition filed by the petitioner is pending consideration, I dispose of the Writ Petition directing the second respondent to take steps to place the representation filed by the petitioner, dated 30-11-2006, before the committee constituted as per the office order dated 30-08-1991, for taking appropriate decision within a period of six weeks from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

-

JUSTICE R. SUBHASH REDDY

DATE: 05-01-2007
Msnr.